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9 Attorney for Protestants Save the California Delta Alliance, et al.

10 **BEFORE THE CALIFORNIA STATE WATER RESOURCES CONTROL BOARD**

11 **IN RE CALIFORNIA WATERFIX**
12 **CALIFORNIA DEPARTMENT OF**
13 **WATER RESOURCES AND U.S.**
14 **BUREAU OF RECLAMATION**
15 **PETITION FOR CHANGES IN**
16 **WATER RIGHTS, POINTS OF**
17 **DIVERSION/RE-DIVERSION**

18 **PROTESTANT SAVE THE CALIFORNIA**
19 **DELTA ALLIANCE, ET AL.'s**
20 **QUALIFICATIONS OF MICHAEL BRODSKY**
21 **(Part 2 Rebuttal)**

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1 Statement of Qualifications Michael A. Brodsky

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3 I received a B.A. from the University of California at Berkeley and a J.D. from Yale Law
4 School. I am licensed to practice law in California and am admitted to all the courts of this state, the
5 United States District Court for the Northern District of California, the United States Court of
6 Appeals for the Ninth Circuit, and The United States Supreme Court.

7 I am familiar with the evolution of the Bay Delta Conservation Plan (“BDCP”) into its
8 current guise as the California Water Fix (“CWF”). I have followed the development of the BDCP
9 since 2010, and have extensively reviewed the historical record of the BDCP back to its inception in
10 2006. I prepared and submitted extensive comments on the BDCP 2013 Draft EIR/S, the 2015
11 Revised Draft EIR/S, and the Final EIR/S.. I also attended numerous BDCP public meetings and
12 met separately in Discovery Bay with then Deputy Director of the California Natural Resources
13 Agency Jerry Meral regarding the BDCP’s impacts on Discovery Bay and potential mitigations. I
14 prepared and submitted extensive comments on the CWF to the Army Corps of Engineers.

15 I am familiar with the recreational impacts of the CWF. I have followed closely the
16 discussion of barge routes and other construction impacts on recreation, and am as familiar as
17 anyone with the construction impacts of CWF on recreation and recreational boating.

18 I am also familiar with the development and adoption of the Sacramento-San Joaquin Delta
19 Reform Act of 2009 (“Delta Reform Act”). I prepared and submitted extensive comments on the
20 development of the Delta Plan, pursuant to the Delta Reform Act, and attended numerous public
21 meetings of the Delta Stewardship Council and Delta Independent Science Board focusing on the
22 BDCP during and after preparation of the Delta Plan.

23 In 2013, I filed a Petition for Writ of Mandate seeking to set aside the Delta Plan for failure
24 to comply with the Delta Reform Act. I litigated that case to a judgment in favor of Save the
25 California Delta Alliance in 2016. The judgment is currently on appeal and I am in the process of
26 preparing appellate briefing. I am also currently litigating the CDWR Environmental Impact Cases,
27 challenging the adequacy of the CWF EIR, and the Validation Action challenging DWR's authority
28 to issue bonds to finance CWF. I have extensively engaged with materials expounding the

1 relationship of the Delta Reform Act and other portions of the Water Code to the BDCP, including
2 the relationship between the BDCP, the Delta Reform Act, and the respective roles and duties of the
3 State Water Resources Control Board (“Board”) and the Delta Stewardship Council with regard to
4 the BDCP under the Delta Reform Act. Over the past seven years, I would estimate that I have
5 spent over 1,000 hours studying the BDCP and its relationship to the Delta and applicable
6 California law.

7 I have also spent extensive time boating and recreating throughout the Delta since I was 13
8 years old. I currently boat throughout the Delta and frequently spend time at my home in Discovery
9 Bay. I am familiar with the Delta and Discovery Bay and understand the import of the proposed
10 CWF with respect to the changes it will bring to the Delta and Discovery Bay. I have had thousands
11 of conversations with Delta boaters about the CWF project and its impacts on Delta recreation.

12 I have experience designing and conducting public opinion surveys. In the 1990's I was the
13 California Democratic Party assembly district chair for California's 14th assembly district, and in
14 that capacity participated in the design and execution of many public opinion surveys.

15 s/Michael A. Brodsky

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